

HOUSE BILL 2776

By Matheny

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 11; Title 43; Title 44; Title 67; Title 69 and
Title 70, relative to wildlife management.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 70, Chapter 1, Part 2, is amended by deleting the part in its entirety and by substituting instead the following:

70-1-201.

(a) An independent and separate administrative board of conservation for game, fish and wildlife of the state is created, to be known and referred to as the wildlife conservation commission and sometimes referred to as the commission in this part, to consist of the commissioner of environment and conservation, the commissioner of agriculture and eleven (11) citizens of the state, which citizens shall be well informed on the subject of the conservation of game animals, birds and fish within the state. Seven (7) of these citizens shall be appointed by the governor, two (2) shall be appointed by the speaker of the senate, and two (2) shall be appointed by the speaker of the house of representatives, each to be appointed within the period provided in this section. In making appointments to the wildlife conservation commission, the governor shall strive to ensure that at least one (1) person serving on the commission is sixty (60) years of age or older and that at least one (1) person serving on the commission is a member of a racial minority. At least two (2) people serving on the commission shall be female.

(b)

(1) Each member appointed by the governor shall be confirmed by the conservation and environment committee of the house of representatives and the senate energy and environment committee and by joint resolution of the general assembly prior to beginning a term of office.

(2) If the general assembly is not in session at the time a member is appointed by the governor to fill a vacancy resulting from the expiration of the term of a member of the commission appointed by the governor, the member of the commission whose term has expired shall serve until a new appointee is confirmed as provided in subdivision (b)(1); provided that, if the general assembly is not in session when initial appointments are made, all initial gubernatorial appointments shall serve the terms prescribed pursuant to subdivision (c)(1), unless such appointments are not confirmed within sixty (60) calendar days after the general assembly next convenes in regular session following such appointments.

(c)

(1) The entire membership of the wildlife resources commission shall be vacated and shall be replaced by new appointments made to the wildlife conservation commission pursuant to this subsection (c). In order to stagger the terms of the newly appointed board members, initial appointments shall be made as follows:

(A) Three (3) of the governor's initial appointments and one (1) initial appointment by each speaker shall be made for a term of two (2) years; and

(B) Four (4) of the governor's initial appointments and one (1) initial appointment by each speaker shall be made for a term of four (4) years.

(2) For purpose of calculating terms, the initial term of office of each commissioner shall be July 1, 2012.

(3) At the conclusion of the initial terms, each regular term of a commission member shall be four (4) years.

(4) No commission member shall serve more than one (1) regular four-year term, including members appointed to an initial term of four (4) years.

(5) A vacancy on the commission shall be filled by the appointing authority making the original appointment for the remainder of any unexpired term or, if a term has expired, for a regular four-year term.

(d) Not more than one (1) citizen member of the commission shall be appointed from any one (1) county.

70-1-202.

(a) The members of the commission shall receive no compensation for their services as members of such commission, except that they shall be paid their actual and necessary traveling expenses for six (6) regular meetings each year and not more than six (6) called meetings during any one (1) year. They shall also be paid their actual and necessary travel expenses for attending to other commission business approved by the chair.

(b) All reimbursement for travel expenses shall be in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

70-1-203.

(a) The commission shall elect a chair, a vice chair and a secretary; the secretary may or may not be a member of the commission. These officers shall be elected for a period of one (1) year. After organization, the commission shall hold six (6) regular meetings, and may hold as many as six (6) special meetings, or called meetings, in any one (1) year at such times and places as the commission shall elect, for which their expenses shall be paid as provided in § 70-1-202.

(b) Six (6) members of the commission shall constitute a quorum.

(c) The governor shall serve as an ex officio member of the commission.

(d) The speaker of the senate may designate one (1) member of the senate as a non-voting, advisory member of the commission. Such designee shall serve at the pleasure of the speaker for the two-year period of the general assembly and may be redesignated for subsequent periods.

(d) The speaker of the house of representatives may designate one (1) member of the house of representatives as a non-voting, advisory member of the commission. Such designee shall serve at the pleasure of the speaker for the two-year period of the general assembly and may be redesignated for subsequent periods.

70-1-204.

(a) Appointments to be made by the governor shall be made from districts of the grand divisions of the state in which the vacancy occurred, and the boundaries of the districts shall remain the same as the boundaries that were in effect on February 9, 1959.

(b) All appointments shall be made from persons having or possessing the qualifications specified by § 70-1-201, which qualifications shall be determined by consultation with known and recognized leaders in the field of conservation in this state.

70-1-205.

(a) The governor may remove a governor-appointed commissioner for inefficiency, neglect of duty, or misconduct in office, after first delivering to the commissioner a copy of the charges and affording the commissioner an opportunity of being publicly heard in person or by counsel to defend against the charges, upon not less than ten (10) business days' notice.

(b) If such commissioner is removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against the commissioner and the governor's findings on the charges, together with a complete record of the proceedings.

(c) The governor shall fill vacancies caused by removal in accordance with § 70-1-201(c)(5).

(d) Any member of the commission who misses four (4) meetings of the commission during the member's term of office ipso facto vacates the member's office as a member of the commission. Such vacancies shall be filled in accordance with § 70-1-201(c)(5).

70-1-206.

(a) The wildlife conservation commission is directed and authorized to perform the following duties and functions:

- (1) Appoint and dismiss the executive director;
- (2) Approve the budget pursuant to § 70-1-306;

(3) Promulgate necessary rules, regulations, and proclamations as required under this title and title 69, chapter 9. The commission is also authorized to promulgate rules and regulations to permit a licensed trapper to release small game animals in counties contiguous to the counties where the animals were trapped;

(4) Establish objectives within the state policy that will enable the wildlife resources agency to develop, manage and maintain sound programs of hunting, fishing, trapping and other wildlife related outdoor recreational activities;

(5) Establish the salary of the executive director of the wildlife resources agency;

(6) Promulgate rules and regulations for the administration of the Reelfoot Lake natural area, as provided in title 11, chapter 14, part 1; and

(7) Promulgate rules and regulations to adjust fees for licenses and permits in this title and to establish new hunting, fishing and trapping licenses and permits as deemed appropriate along with necessary fees. Adjusting or establishing fees shall be in such amounts as may be necessary to administer the wildlife laws; provided, that the percentage increase in total revenue from a license package containing one (1) or more licenses or permits, or both, shall not exceed the percent of increase in the average consumer price index, all items-city average, as published by the United States department of labor, bureau of labor statistics, on the first day of March 1990, or, in the case of any permit, license or permit/license package fee adjustment after the initial adjustment under this subdivision (a)(7), the difference in the average

consumer price index, all items-city average between the dates of one adjustment and any subsequent adjustment; provided further, however, that individual fee adjustment amounts may be rounded up to the next dollar amount. All such fees, and any adjustments to the fees, shall be deposited in the wildlife resources fund and shall be expended solely for the administration and operation of the agency's programs and responsibilities authorized pursuant to this chapter. Further, the commission shall report to the senate energy and environment committee and to the conservation and environment committee of the house of representatives actions taken on permits, licenses, and fees to be assessed following the promulgation of the proposed rules and regulations.

(b) The wildlife conservation commission shall become knowledgeable in and familiar with the special needs of handicapped and disabled veterans.

§ 70-1-207.

(a) The wildlife conservation commission is authorized to develop rules and regulations for corporate sponsorship on appropriate agency motor vehicles and vessels; provided, however, that no corporate sponsorship shall be placed on agency law enforcement motor vehicles or vessels. Such rules and regulations may include, but are not limited to, signage placement, safety concerns and prohibited practices.

(b) Such commercial sponsorship shall not include, identify or promote:

(1) Alcohol or tobacco products;

(2) Adult-oriented establishments, as defined in § 7-51-1102 or § 7-51-1401;

(3) Political candidacies, political issue advocacy, or political campaign advertising, as prohibited in § 2-19-144; or

(4) Any unlawful conduct or activities.

(c) The department shall prefer sponsorship by organizations that are wildlife or boating related.

(d)

(1) The sponsorship message shall include only the name and/or logo of the sponsor.

(2) The sponsorship message may only be located on the back of the vehicle or vessel.

(3) The logo of the sponsor shall not exceed four hundred square inches (400 sq. in.) in size, and the lettering identifying the sponsor shall not exceed eight inches (8") in height.

70-1-208. The wildlife conservation commission created by this part is the successor to the wildlife resources commission. All rules, procedures, records, reports, functions and duties carried out by the prior commission is hereby transferred to the successor entity.

SECTION 2. Tennessee Code Annotated, Section 4-29-235(a), is amended by adding the following language as a new subdivision:

(_) Wildlife conservation commission, created by § 70-1-201;

SECTION 3. Tennessee Code Annotated, Section 4-29-232(a), is amended by deleting subdivision (58).

SECTION 4. Tennessee Code Annotated, Section 11-14-116, is amended by deleting the language "wildlife resources commission" and by substituting instead the language "wildlife conservation commission" wherever such language appears.

SECTION 5. Tennessee Code Annotated, Section 43-33-126, is amended by deleting the language "wildlife resources commission" and by substituting instead the language "wildlife conservation commission".

SECTION 6. Tennessee Code Annotated, Section 44-17-401, is amended by deleting the language "wildlife resources commission" and by substituting instead the language "wildlife conservation commission".

SECTION 7. Tennessee Code Annotated, Section 67-4-409, is amended by deleting the language "wildlife resources commission" and by substituting instead the language "wildlife conservation commission" wherever such language appears.

SECTION 8. Tennessee Code Annotated, Section 69-9-101, is amended by deleting the language "wildlife resources commission" and by substituting instead the language "wildlife conservation commission".

SECTION 9. Tennessee Code Annotated, Section 69-9-203(c), is amended by deleting the language "wildlife resources commission" and by substituting instead the language "wildlife conservation commission" wherever such language appears.

SECTION 10. Tennessee Code Annotated, Section 69-9-204(4), is amended by deleting the language "wildlife resources commission" and by substituting instead the language "wildlife conservation commission".

SECTION 11. Tennessee Code Annotated, Section 70-1-101(a), is amended by deleting subdivision (8) in its entirety and by substituting instead the following:

(8) "Commission" means the wildlife conservation commission, and

"commissioner" means a member of the wildlife conservation commission;

SECTION 12. Tennessee Code Annotated, Section 70-1-104, is amended by deleting the language "wildlife resources commission" and by substituting instead the language "wildlife conservation commission".

SECTION 13. The Tennessee Code Commission is requested to revise appropriate references from the wildlife resources commission to the wildlife conservation commission as sections are amended and volumes are replaced.

SECTION 14. This act shall take effect June 30, 2012, the public welfare requiring it.